

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company  
To Revise Its Electric Marginal Costs, Revenue  
Allocation, and Rate Design.

U 39 M

Application 04-06-024  
(Filed June 17, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING PROTECTIVE ORDER**

On July 7, 2004, Pacific Gas and Electric Company filed and served a motion seeking a Protective Order. No responses were filed. In addition, no party objected to, or commented on, the motion at the August 20, 2004 prehearing conference.

The motion is granted, with minor changes to the Protective Order for clarity or consistency as provided below.

**IT IS RULED** that the July 7, 2004 motion of Pacific Gas and Electric Company for Protective Order pertaining to certain computer models, data bases, programs, and input data set formats is granted as set forth in the attached Protective Order.

Dated August 27, 2004, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson  
Administrative Law Judge

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**PROTECTIVE ORDER**

On July 7, 2004, Pacific Gas and Electric Company (PG&E) filed a motion for a Protective Order with respect to the following computer models and databases which PG&E states it has developed: (1) Revenue at Present Rates Model; (2) Mainframe Billing and Load Systems; (3) Revenue Allocation Spreadsheet Models; (4) Customer Hookup Cost Database; and (5) JET. Moreover, portions of these models and databases may rely on proprietary information owned by others.

PG&E represents that use of these databases, programs, models, and data sets, and certain elements of each model, constitutes confidential and proprietary trade secret information, and PG&E could be harmed in its business if this information becomes available to the parties to this proceeding for purposes other than resolution of this application. California Public Utilities Code Sections 585 and 1822, and Article 17.1 of the Commission's Rules of Practice and Procedure, provide for safeguards that protect databases and the computer models and provide protection for proprietary information.

A Protective Order is appropriate in this case to ensure that PG&E's information, which it considers confidential and proprietary, is not obtained and used by any party to this proceeding, except solely for the purpose of participating in this proceeding.

**IT IS ORDERED** that Pacific Gas and Electric Company (PG&E) shall provide to parties on their request information describing the operation of proprietary models, but that PG&E need not provide that information in a manner that enables parties to operate the models owned by others. However, for the purposes of this proceeding, PG&E is ordered to perform or have performed runs of the models as may be reasonably requested by parties who do not themselves have licenses to the proprietary information owned by others.

**IT IS FURTHER ORDERED** that all consultants and each party (excluding the employees of the Commission, who are bound by the provisions of Public Utilities Code Section 583) who request and receive any proprietary information pursuant to this order shall be subject to the following provisions:

(1) No person requesting and receiving any of the proprietary information shall copy or reproduce it, or cause to be copied or reproduced, any portion of the proprietary information in any manner. No person requesting and receiving the proprietary information shall disclose or use such information or notes, workpapers, or work product derived from same, except for the purpose of participating in this proceeding, unless otherwise authorized in writing by PG&E for its proprietary information, or by the owners for their proprietary information.

(2) No person requesting and receiving any of the proprietary information shall disclose it, or notes, workpapers, or work product derived from same to any other person (such as to consultants, expert witnesses, or attorneys) except for purposes of this proceeding, and any such persons shall be informed of this Protective Order and agree in writing to be bound by it before receiving such information.

(3) All parties who request and receive any proprietary information shall sign the attached Protective Order Agreement (Agreement) agreeing to be bound by this Protective Order and shall provide the signed original Agreement to PG&E. Any consultant or employee of a consultant shall be responsible for the acts of such consultant or employee of a consultant and shall be further required to provide a duplicate signed original Agreement to the presiding Administrative Law Judge (ALJ). The ALJ shall retain as confidential from PG&E and other parties the name of any such consultant or employee of the consultant. Upon the close of the record in this proceeding, the presiding ALJ shall be relieved of his or her obligation to retain the confidentiality of the identity of the consultant or employee of the consultant allowed access to proprietary information, and such identity may become a matter of public record. At the close of the record, a party shall be obligated, at the request of PG&E, to disclose to PG&E the names of all consultants, or employees of consultants, who have obtained access to the proprietary information.

(4) Any portion of the prepared testimony, workpapers, or pleadings in this proceeding which discloses any of the proprietary information shall be served only upon parties who have signed the Agreement as described in (3) above, and any such material filed with and served on the Commission shall be tendered in a sealed envelope stating on the outside that it is sealed pursuant to this Protective Order. Any such prepared testimony, workpapers, or pleading shall include a legend that reads as follows:

**WARNING:** THIS DOCUMENT OR MATTER CONTAINED IN IT IS CONFIDENTIAL AND ITS USE RESTRICTED IN ACCORDANCE WITH A PROTECTIVE ORDER OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION IN APPLICATION NO. 04-06-024. THE VIEWING, DISSEMINATION, RECORDING, OR COPYING OF THIS DOCUMENT, EXCEPT AS AUTHORIZED BY THE PROTECTIVE ORDER, IS A VIOLATION OF AN ORDER OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION. IT IS A VIOLATION OF THE PROTECTIVE ORDER TO SEPARATE THIS PAGE FROM THE DOCUMENT TO WHICH IT IS AFFIXED.

(5) Within 30 days of the date that the final order of the Commission in this proceeding is no longer subject to judicial review, all parties shall return to PG&E the proprietary information, except that a party may destroy any notes or other materials not returned and shall, within the 30-day period, certify to PG&E and owners that same have been destroyed.

(6) The owners of proprietary information are hereby made parties to this proceeding with the right to enforce this order. Nothing in this section shall be deemed to limit their rights or remedies otherwise available under the law. The obligations pertaining to confidentiality of the proprietary information shall survive the termination of this proceeding.

Dated August 27, 2004, at San Francisco, California.

/s/ BURTON W. MATTSON

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Burton W. Mattson  
Administrative Law Judge

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**PROTECTIVE ORDER AGREEMENT**

I certify my understanding that (1) my access to protected information, as discussed in the Protective Order dated August 25, 2004 in Application No. 04-06-024, is provided to me pursuant to the terms and restrictions of that Protective Order, and (2) I have been given a copy of, and have read, that Protective Order and agree to be bound by it. I understand the protected information, or any notes, documents, memoranda containing such protected information: (a) shall not be disclosed to anyone other than in accordance with that Protective Order; and (b) shall and may be used only for the purposes of the proceeding in Application No. 04-06-024. I agree that my obligation to honor the confidentiality of protected information shall continue after the issuance of a final, non-appealable order disposing of the merits of Application No. 04-06-024.

I acknowledge that a violation of this certificate constitutes a violation of an order of the California Public Utilities Commission.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Reviewing Party: \_\_\_\_\_

Employer: \_\_\_\_\_

Position: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail on those with an electronic mail address, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated August 27, 2004, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.